

UNITED STATES DISTRICT COURT
Northern District of California

RODITHA CAMACHO,

No. C 10-04667 MEJ

Plaintiff,

**ORDER FOR CLERK OF COURT TO
REASSIGN CASE**

v.

WASHINGTON MUTUAL BANK, FA, et al.,

REPORT & RECOMMENDATIONDefendants.
_____ /

On October 15, 2010, Plaintiff Roditha Camacho filed the above-captioned complaint, at which time the Clerk of Court scheduled the matter for a case management conference on January 27, 2011. However, as no case management statement had been filed and there was no indication that any of the defendants had been served, the Court vacated the c.m.c. and ordered Plaintiff to file a status report by February 3, 2011. (Dkt. #8.) As Plaintiff failed to file a status report or otherwise appear in response to the Court's order, the Court ordered Plaintiff to show cause why this case should not be dismissed for failure to prosecute and comply with court deadlines. The Court ordered Plaintiff to file a declaration by March 28, 2011, and scheduled an order to show cause hearing on April 14, 2011. (Dkt. #9.)

Plaintiff has now failed to respond to the order to show cause. Based on this procedural history, the Court finds it appropriate to dismiss this case pursuant to Federal Rule of Civil Procedure 41(b). Under Rule 41(b), failure to comply with a court order can warrant dismissal. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992). In "determining whether to dismiss a case for failure to comply with a court order, the district court must weigh five factors including '(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their

1 merits; and (5) the availability of less drastic alternatives.’’ *Id.* at 1260-61 (quoting *Thompson v.*
2 *Housing Auth.*, 782 F.2d 829, 831 (9th Cir. 1986)). Here, Plaintiff failed to comply with Court
3 orders and deadlines, failed to respond to the order to show cause, and has made no appearance in
4 this matter since 2010. Thus, the Court finds that the *Ferdik* factors weigh in favor of dismissal.

5 Accordingly, because Plaintiff has yet to consent to the undersigned's jurisdiction, the Court
6 hereby ORDERS the Clerk of Court to reassign this case to a district court judge. The April 14,
7 2011 osc hearing is VACATED. The undersigned RECOMMENDS that the newly-assigned judge
8 dismiss this case for failure to prosecute and failure to comply with the Court's deadlines and orders.

9 Pursuant to Federal Rule of Civil Procedure 72, Plaintiff may serve and file objections to this
10 Report and Recommendation within 14 days after being served.

11 **IT IS SO ORDERED AND RECOMMENDED.**

12
13 Dated: April 7, 2011

14 
15 _____
16 Maria-Elena Jones
17 Chief United States Magistrate Judge
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

RODITHA CAMACHO,

Plaintiff,

v.

WASHINGTON MUTUAL BANK, FA,

Defendant.

Case Number: 10-04667 MEJ

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 7, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Roditha Camacho
130 Turquoise Way
Livermore, CA 94550

Dated: April 7, 2011

Richard W. Wieking, Clerk
By: Brenda Tolbert, Deputy Clerk